

United States Court of Appeals

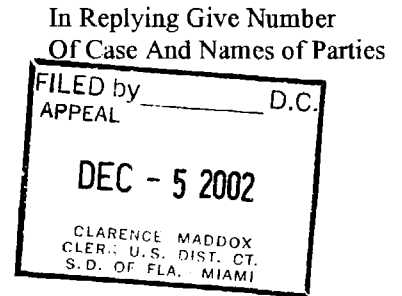
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

November 29, 2002

Clarence Maddox
Clerk, U.S. District Court
301 N. Miami Avenue
Miami FL 33128

RE: 02-15942-A USA v. John Mamone
DC DKT NO.: 00-06309 CR-PAS



Enclosed is a certified copy of an order remanding the referenced appeal for further proceedings.
JURISDICTION OF THIS APPEAL IS BEING RETAINED BY THE ELEVENTH CIRCUIT.

Upon completion of remand proceedings, please promptly send a certified copy of the **ORDER ON REMAND** accompanied by an updated indexed district court docket sheet to this office.

This case will be held in abeyance and monitored in the Eleventh Circuit pending disposition of remand proceedings in your court.

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Mary Marshall/caw (404) 335-6180

Enclosures:

Volume(s) of Record

Box(es) of Exhibits

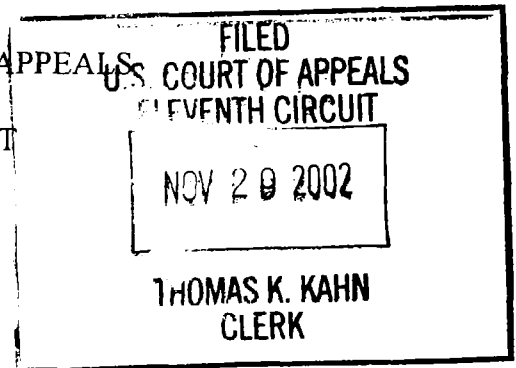
Envelope(s) of Exhibits

LIMITED REMAND

CLK-3 (8-2002)

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 02-15942-A



UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHN MAMONE,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Florida

Before: DUBINA and MARCUS, Circuit Judges.

BY THE COURT:

Because the notice of appeal was not filed or certified as mailed within ten days of the September 17, 2002, entry of the challenged order, John Mamone failed to perfect a timely appeal of that order. See Fed.R.App.P. 4(b)(1)(A), (c)(1); Houston v. Lack, 487 U.S. 266, 276, 108 S.Ct. 2379, 2385, 101 L.Ed.2d 245 (1988). Because, however, he filed the notice of appeal within the additional time permitted for filing a motion for extension of time to appeal, it is construed as such a motion. See Rule 4(b)(4); Houston, 487 U.S. at 276, 108 S.Ct. at 2385; United States v. Ward, 696 F.2d 1315, 1317-18 (11th Cir.), cert. denied, 461 U.S. 934 (1983). Accordingly, this case is REMANDED to the district court for a determination of excusable neglect or good cause. Upon

entry of its order making this determination, the district court shall return the record, as supplemented, to this Court for further consideration.

A TRUE COPY ATTESTED:
CLERK U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

BY: [Signature]
DEPUTY CLERK
ATLANTA, GEORGIA